

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

COURTROOM PROCEEDINGS

The court met in its courtroom at 10:00 A.M. Present: Honorable James A. Ardaiz, Presiding Justice; Honorable James F. Thaxter, Associate Justice; Honorable Herbert I. Levy, Associate Justice; and Eve Sproule, Court Administrator/Clerk, by Diana Monopoli, Deputy Clerk.

F030519 In re Marriage of Knell

Cause called and argued by James F. Tritt, Esq., counsel for respondent. Margo L. Rickher, Esq., counsel for respondent waived oral argument. Richard L. Moser, Esq., counsel for appellant waived oral argument.

Cause ordered submitted.

F030228 People v. O'Neal

Cause called and argued by George Schraer, Esq., counsel for appellant. Thomas Shigemoto, Deputy Attorney General, counsel for respondent waived oral argument.

Cause ordered submitted.

Court recessed until Tuesday, February 15, 2000 at 1:30 P.M.

The court reconvened in its courtroom at 1:30 P.M. Present: Honorable James A. Ardaiz, Presiding Justice; Honorable James F. Thaxter, Associate Justice; Honorable Herbert I. Levy, Associate Justice; and Eve Sproule, Court Administrator/Clerk, by Diana Monopoli, Deputy Clerk.

F031609 People v. Mc Kelvy

Cause called and argued by Francine R. Tone, Esq., counsel for appellant and by Charles A. French, Deputy Attorney General, counsel for respondent.

Cause ordered submitted.

At this point Thaxter, J. leaves the bench and is replaced by Harris, J.

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

F030071 People v. Guice

Cause called and argued by Phillip M. Brooks, Esq., counsel for appellant. Lloyd G. Carter, Deputy Attorney General, counsel for respondent waived oral argument.

Cause ordered submitted.

At this point Ardaiz, P.J. directs Thaxter, J. to act as Presiding Justice in his absence, leaves the bench and is replaced by Thaxter, Acting P.J.

F029227 Gale v. Unihealth Corporation

Cause called and argued by Leonard Herr, Esq., counsel for appellant and by Sandra J. Smith, Esq., counsel for respondent.

Cause ordered submitted.

Court recessed until Wednesday, February 16, 2000 at 10:00 A.M.

F028641 Mohlenhoff, et al . v. Morrow, et al.

Appellant's petition for rehearing filed herein is denied.

F032537 People v. Valdez

The judgment is affirmed. Ardaiz, P.J.

We concur: Harris, J.; Levy, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F030604 People v. Valera

Appellant's petition for rehearing filed herein is denied.

F032758 In re Jason D., a Minor

Filed modification of opinion (no change in judgment).

Appellant's petition for rehearing is denied. Vartabedian, Acting P.J.

We concur: Harris, J.; Wiseman, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

IN THE
Court of Appeal of the State of California

IN AND FOR THE
Fifth Appellate District

- F032548 People v. Shotwell, Jr.**
The judgment is affirmed.
By the Court.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F032618 People v. Williams**
The judgment is affirmed.
By the Court.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F031978 Guerra v. State of California et al.**
IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed. Harris, J.
We concur: Ardaiz, P.J.; Levy, J.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F031311 Aguilar v. City of Fresno**
Appellant having filed an abandonment and/or request for dismissal of appeal, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed as to Appellant Raquel Aguilar only.
- F034607 Keith P. v. Superior Court of Kern County; Kern County Department of Human Services**
The petition for extraordinary writ is denied.
By the Court.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F030879 People v. Fuentes**
Appellant's petition for rehearing filed herein is denied.
- F030309 People v. Morgan**
Those portions of the true findings as to the special allegations under Penal Code section 667.61, subdivision (e)(4) are each vacated due to insufficiency of the evidence. The judgment of conviction and judgment of sentence are affirmed in all other respects. Harris, J.
We concur: Thaxter, Acting P. J.; Wiseman, J.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

IN THE
Court of Appeal of the State of California

IN AND FOR THE
Fifth Appellate District

F027536 People v. DeLao et al.

The petition for rehearing filed herein by Appellant Gomez is denied.

F031646 People v. Orellana

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F030582 Vigneault v. Jacobs

There being no judgment and no appealable order, this court's prior order setting oral argument for February 22, 2000, is hereby vacated, and the appeal is dismissed. [citation]

F033586 In re Axsana S., a Minor

The minutes of the May 14, 1999, hearing filed June 1, 1999, shall be corrected to reflect that the court did not find that reunification services to appellant would be detrimental to the minor under section 361.5, subdivision (e). As corrected, the dispositional findings and orders are affirmed. Thaxter, J

We concur: Dibiaso, Acting P.J.; Harris, J.

[CERTIFIED FOR PARTIAL PUBLICATION]

F030894 People v. Adams

The case is remanded for the trial court to dismiss two of Adams' convictions for rape with a foreign object. The court shall recalculate Adams' sentence. The court shall also note in the amended abstract of judgment that Adams' sentences on counts two and three are consecutive life terms pursuant to Penal Code section 667.61, subdivision (a), and that he will not be eligible for parole on this indeterminate sentence for fifty-two years. The court shall forward the amended abstract of judgment to the Department of Corrections. In all other respects, the judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

F034048 People v. Martinez

No brief having been filed by appellant after notice duly given under rule 17(c) of the California Rules of Court, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

F034388 People v. Dominguez

No brief having been filed by appellant after notice duly given under rule 17(c) of the California Rules of Court, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

F034451 People v. McIntire, et al.

No brief having been filed by appellant after notice duly given under rule 17(c) of the California Rules of Court, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

F034075 IN RE RICHARD JOSEPH TRUHE On Habeas Corpus

Petitioner is directed to cause a notice of appeal and request for certificate of probable cause to be filed on or before April 1, 2000, in Kern Co. Superior Court action No. SC074094A.

Let a petition for writ of habeas corpus issue directing the Kern County Clerk, if he receives said notice and request on or before April 1, 2000, to file said documents in Kern County Superior Court action No. SC074094A, to deem said documents to be submitted to the Kern County Superior Court for a ruling pursuant to Penal Code section 1237.5, and to cause a normal record on appeal to be prepared in accordance with the applicable rules of the California Rules of Court.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F030654 In re the Marriage of Emma D. and Frank Lomeli

The judgment is affirmed. Levy, J.

We concur: Vartabedian, Acting P.J., Buckley, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

F033413 In re Phillip F. et al., Minors

Appellant's motion to strike is denied. The judgment is affirmed.
Thaxter, Acting P.J.

We concur: Harris, J.; Levy, J.

[CERTIFIED FOR PARTIAL PUBLICATION]

**F034604 Maria U. v. The Superior Court of Kings County; Kings County Dept. of
Human Services Agency**

Oral argument having been waived in the above-entitled case in
accordance with the provisions of a notice mailed to counsel, the
calendar date heretofore set is vacated and the case is submitted for
decision.

**F034604 Maria U. v. The Superior Court of Kings County; Kings County Dept. of
Human Services Agency**

The petition for extraordinary writ is denied.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]